

Hon. Richard Jones
Hon. James P. Donohue

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

KYLE LYDELL CANTY,

Plaintiff,

vs.

CITY OF SEATTLE, et al.,

Defendants.

NO. 2:16-CV-01655-RAJ-JPD

DECLARATION OF
GREGORY E. JACKSON

NOTE ON MOTION CALENDAR:
October 27, 2017

I, GREGORY E. JACKSON, declare as follows:

1. I am over the age eighteen (18), am competent to testify, and make this declaration based on my personal knowledge.

2. I am one of the attorneys of record for City of Seattle, Officer Marshall Coolidge, Sean Culbertson, Timothy Renihan and Officer Hancock (hereinafter collectively "the City") in the above-captioned lawsuit brought by Plaintiff Pro Se Kyle Canty.

3. Since Mr. Canty's transfer from the King County Jail to Washington Correctional Center ("WCC") in August 2017, Mr. Canty has consistently refused the City's mail. On August 16, 2017, the City sent a set of interrogatories and requests for production to Mr. Canty by mail at WCC. Also included were authorizations for Mr. Canty's signature to

1 allow the City to obtain copies of his relevant medical records from Harborview Medical
2 Center, King County Adult Detention Center, and Western State Hospital. On September 1,
3 2017, the discovery requests were returned to the City unopened, with an indication on the
4 envelope that Mr. Canty refused to accept them. A true and accurate copy of these discovery
5 requests together with a copy of the envelope indicating that Mr. Canty refused to accept them
6 is attached to this declaration as **Exhibit 1, pp. 005-017**.

7
8 4. On September 6, 2017, the City arranged for Mr. Canty to be personally served
9 by an officer at WCC with a deposition notice and a subpoena. A true and accurate copy of
10 these documents is attached to this declaration as **Exhibit 2, pp. 018-024**. The deposition of
11 Mr. Canty was arranged with the cooperation and agreement of the administration at WCC to
12 occur at a conference room at the institution on September 14, 2017.

13
14 5. On September 8, 2017, prior to the time for Mr. Canty's deposition, my office
15 mailed Mr. Canty a letter at WCC. A true and accurate copy of the letter is attached to this
16 declaration as **Exhibit 3, pp. 025-027**. As the letter reflects, I intended to have a discovery
17 conference with Mr. Canty at the time of his deposition regarding the City's interrogatories and
18 requests for production, which were returned to my office after Mr. Canty refused to accept
19 them. On September 19, 2017, this letter was returned to my office with an indication on the
20 envelope that Mr. Canty refused to accept it.

21
22 6. On September 14, 2017, I appeared at WCC for Mr. Canty's deposition, as did
23 King County Deputy Prosecuting Attorney Samantha Kanner and a court reporter. I was
24 informed by staff at WCC that Mr. Canty refused to leave his cell or participate in his
25 deposition. The WCC staff allowed counsel to speak with Mr. Canty from outside his cell.
26

1 Mr. Canty was sitting on the bed inside his cell with a sheet covering himself. Mr. Canty did
2 not respond to my questions. Staff at WCC digitally recorded counsel's interaction with Mr.
3 Canty from outside his cell. This video can be made available for the court's review if needed.
4 Attached to this declaration as **Exhibit 4, pp. 028-031** is a true and accurate copy of the
5 transcript of the record made at the time when Mr. Canty's deposition was scheduled to take
6 place.
7

8 I declare under penalty of perjury under the laws of the State of Washington that the
9 forgoing is true and correct.

10 DATED this 29th day of September, 2017, at Seattle, Washington.

11
12 
13 GREGORY E. JACKSON

CERTIFICATE OF SERVICE

I certify that on the 29th day of September, 2017, I electronically filed the foregoing documents with the Clerk of the Court using CM/ECF E-Filing Systems, and notifying of such filing to the following:

Pro se Plaintiff,
Kyle Lydell Canty
DOC #401358
Washington Corrections Center
P.O. Box 900
Shelton, WA 98584
DOCWCCInmateFederal@DOC1.WA.GOV

(X) ECF Electronic Filing

Samantha D. Kanner, WSBA #36943
Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office
500 Fourth Avenue, 9th Floor
Seattle, WA 98104
(206) 296-8820
SamanthaKanner@kingcounty.gov
Attorney for King County

(X) ECF Electronic Filing

I certify under the penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 29th day of September, 2017, in Seattle, Washington.

s/Kathie Fudge
KATHIE FUDGE, Legal Assistant
kathief@fjtlaw.com